

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

|                          |   |                                      |
|--------------------------|---|--------------------------------------|
| KIMBERLY KHAMISI,        | : | Case No. 1:18-cv-550                 |
| Petitioner,              | : |                                      |
|                          | : | Judge Timothy S. Black               |
| vs.                      | : | Magistrate Judge Stephanie K. Bowman |
|                          | : |                                      |
| WARDEN, OHIO REFORMATORY | : |                                      |
| FOR WOMEN,               | : |                                      |
| Respondent.              | : |                                      |

**DECISION AND ENTRY  
ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 2) AND  
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on August 15, 2018, submitted a Report and Recommendation. (Doc. 2). Petitioner filed untimely objections on September 14, 2018. (Doc. 3).<sup>1</sup>

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<sup>1</sup> Petitioner's objections are not well-taken. Initially, the Objections—which were required to be filed by August 29, 2018, but were not filed until September 14, 2018—are untimely, and fail as a matter of law. *See Jones v. Warden, Ross Corr. Inst.*, 2013 U.S. Dist. LEXIS 169658, at \* 4, 2013 WL 6230365 (S.D. Ohio Dec. 2, 2013) (“failure to file timely objections not only waives the right to de novo review of a Magistrate's Report and Recommendation, but dispenses with the need for the district court to conduct any review.”). In any event, the objections fail on the merits.

Petitioner was sentenced on June 22, 2018 in the Hamilton County Court of Common Pleas. The Report and Recommendation notes that Petitioner currently has an appeal pending before the Ohio Court of Appeals and therefore the petition is subject to dismissal for lack of exhaustion. (Doc. 2 at 3). Petitioner seems to contend that she has exhausted her state remedies, but provides no evidence in support of the notion. (Doc. 3 at 2–3). Petitioner's argument is unavailing. The Court agrees with the Magistrate Judge that the petition is clear on its face that Petitioner has failed to exhaust state remedies.

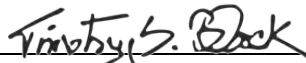
As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Report and Recommendation should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) The petition (Doc. 1) is **DISMISSED without prejudice**, subject to refiling upon exhaustion of Petitioner's state court remedies;
- 2) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

**IT IS SO ORDERED.**

Date: 10/3/18

  
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Timothy S. Black  
United States District Judge